

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

CHARLESTON SHIPP,)
)
)
Plaintiff,)
)
)
v.) **No. 10-cv-02598-STA-dkv**
)
)
VISIONS SPORTS BAR & GRILL, INC.,)
MIKE FURFIK,)
)
Defendants)

ORDER ON DAMAGES

Before the Court is Plaintiff Charleston Shipp's ("Plaintiff") Second Motion for Default Judgment Against the Defendants, Visions Sports Bar & Grill, Inc. ("Club Visions") and Mike Furzik or Murfik (collectively "Defendants") (D.E. # 31), filed on May 13, 2011. On May 17, 2011, this Court granted the Motion for Default Judgment, but reserved ruling on the amount of damages. (D.E. # 32.) The Court held an evidentiary hearing on June 20, 2011 to determine the amount of Plaintiff's damages. Plaintiff was the only witness at the evidentiary hearing. Plaintiff testified to and presented the following¹:

On January 16, 2010, while a patron at Club Visions, Plaintiff, a twenty-two year old male, received two stab wounds during an altercation—one wound to the right sternum and one to the right upper quadrant. After sustaining the stab wounds, an employee of Club Visions escorted the Plaintiff to the back, placed "salt" on Plaintiff's wounds, gave Plaintiff water, and

¹ During the hearing, Plaintiff submitted three exhibits: collective exhibit 1 containing Plaintiff's invoices for medical bills related to this matter; exhibit 2 containing a discharge summary from Plaintiff's stay at the Regional Medical Center at Memphis; and exhibit 3 containing a follow-up report from the Regional Medical Center at Memphis.

called an ambulance. Plaintiff was taken by ambulance to the Regional Medical Center (“the Med”) in Memphis, Tennessee. Plaintiff recalled that during this time he was experiencing intense chest pains, he had blood pouring down his clothes, and he believed he “was going to die.”

Upon arriving at the Med, Plaintiff testified that doctors opened his chest and performed heart surgery. Specifically, the Discharge Summary from the Med details that Plaintiff underwent six procedures including an exploratory laparotomy, median sternotomy, subxiphoid pericardial window, primary repair of right ventricle, the placement of two chest tubes, and the placement of one mediastinal tube. Pain medications were administered throughout treatment.

Plaintiff testified that he spent a week and a half at the Med. He testified that since his release from the Med, he has received no other treatment for the physical injuries sustained during the altercation.

Plaintiff did testify, however, that he does have residual effects from the stabbing and the subsequent medical procedures. Plaintiff stated that he has a permanent scar extending from his neck to his navel. Additionally, he stated that he also has permanent scars from the two initial stab wounds. Moreover, Plaintiff explained that he experiences keloids from time to time. Plaintiff further testified that he continues to have sharp chest pains and problems breathing. For example, Plaintiff testified that now he has a hard time playing basketball, holding his breath, and running for long periods of time, all of which he could do before the stabbing.

Plaintiff did receive counseling for nightmares and anxiousness subsequent to the stabbing. Specifically, Plaintiff testified that he sought treatment from Dr. Lee Horton four to five times between March 2010 and May 2010 for recurring nightmares about the stabbing and for being anxious to go in public. Plaintiff testified that the counseling did help; however, he

explained that he still has two to three nightmares a week. Moreover, Plaintiff stated that, to date, he is still cautious about going into public places.

Plaintiff estimates that the bills for the aforementioned treatment totals ninety thousand dollars (\$90,000). Additionally, Plaintiff testified that he incurred costs and expenses in the form of cover charges, food, and drink at Club Visions in the amount of seven hundred and fifty dollars (\$750.00) for six or seven visits to the establishment.

During the hearing, Plaintiff prayed for one million five hundred thousand dollars (\$1,500,000) for the medical bills, the permanent scarring, the pain and suffering, and the psychological injuries.

Based upon the abovementioned evidence, the Court finds that Plaintiff has incurred the following damages. Plaintiff has sustained ninety thousand dollars (\$90,000) in damages for medical expenses related to the medical care, services, and supplies reasonably required in the treatment of Plaintiff. The Court further finds that Plaintiff shall be awarded ninety thousand dollars (\$90,000) for physical pain and mental discomfort suffered and likely to be suffered in the future. Additionally, the Court finds the Plaintiff has sustained ninety thousand dollars (\$90,000) in damages for disfigurement, the permanent scarring sustained during the stabbing and subsequent medical treatment. The Court, however, finds the request for seven hundred and fifty dollars (\$750) related to cover charges, food, and drink for six or seven visits to Club Visions to be inappropriate. Accordingly, the Clerk of Court shall enter a judgment in the Plaintiff's favor awarding \$270,000 in damages against the Defendants.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date July 29th, 2011.